

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 24

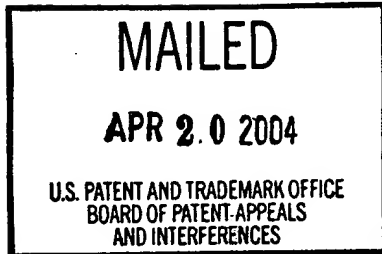
UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte TOBIAS H. HOLLERER, GEORGE G. ROBERTSON,  
DANIEL C. ROBBINS and MAARTEN R. VAN DANTZICH



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Appeal No. 2004-1061  
Application No. 09/329,140

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REMAND TO EXAMINER

On July 14, 2003, appellants timely faxed a request for an oral hearing to the Patent and Trademark Office (PTO) in connection with this appeal. However, it seems that the Request was never matched with the file and hence was not charged or made of record to the application. After receipt of the Docketing Notice from the Board of Appeals and Interferences (BPAI), it was brought to the attention of the BPAI, by appellants, that the Request had been filed but was not part of the record. Subsequently, the BPAI requested and received a faxed copy of the Request from appellants on April 7, 2004 which has been designated as Paper No. 23 by the BPAI.

The Request authorized any required payment due in connection with the request to be charged to Deposit Account No. 50-1063, however the BPAI does not directly process fee payment of charges due in connection with appealed applications.

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Accordingly, it is

ORDERED that the application is remanded to the examiner for

- (1) the examiner to have the matter of payment of the Request for Oral Hearing filing fee processed as required, and
- (2) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



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CF/vsh

Appeal No. 2004-1061  
Application No. 09/329,140

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